

Serial No. 10/693,135

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PD-201062

REMARKS

APR 09 2007

I. Introduction

In response to the Office Action dated January 12, 2007, please consider the following remarks. Re-examination and re-consideration of the application, as amended, is requested.

II. Allowable Subject Matter

In paragraph 3, the Office Action indicates that the subject matter of claims 5-7 and 12-14 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims. The Applicant acknowledges the Office Action's indication of allowable subject matter, but traverse the rejection of claims 1-4, 8-11 and 15-27.

III. Office Action Double Patenting Rejection

In paragraph 2, the Office Action provisionally rejects claims 1-4, 8-11 and 15-27 under the judicially-created doctrine of double patenting as being unpatentable over claims 1, 9 and 23 co-pending application serial number 10/532,619.

In discussing double patenting rejections MPEP § 804 recites:

"The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications."

The provisional double patenting rejection is the only rejection remaining in this application. Therefore, the Applicants respectfully submit that the provisional rejection be withdrawn and this case allowed to pass to issue. Should the claims of copending application 10/532,619 be subject to a double patenting rejection, that issue can be addressed in that case.

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IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: April 9, 2007

  
By \_\_\_\_\_  
Name: Georgann S. Grunbach  
Registration No.: 33,179

The DIRECTV Group, Inc.  
CA / LA1 / A109  
2230 E. Imperial Highway  
P. O. Box 956  
El Segundo CA 90245-0956

Telephone No. (310) 964-4615